

United States Courts
Southern District of Texas
FILED

JUL 16 2016

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA
V.
Salvador ORTIZ

CRIMINAL COMPLAINT

Case Number: C-16-914m

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 7/15/2016 in Brooks County, in the

(Date)

Southern District of Texas defendant(s), **Salvador ORTIZ**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Julio R. Zuniga

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found:

Julio R. Zuniga

Printed Name of Complainant

July 16, 2016

Date

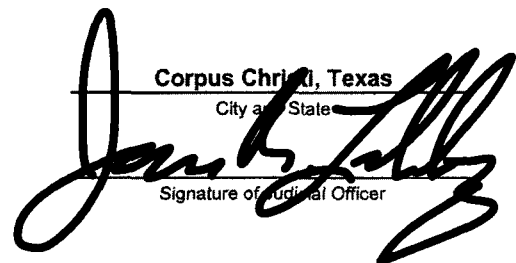
Jason B. Libby, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State



Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

PROBABLE CAUSE / FACTS:

On June 29, 2016, Border Patrol Agents (BPA) assigned to the Joint Task Force (JTT) along with Field Intelligence Team (FIT) Agents apprehended a subject whose name has been redacted for safety reasons, as a caretaker of a stash house utilized to harbor undocumented immigrants in the United States. The above mentioned subject was arrested for alien smuggling and transported to the McAllen, Texas Border Patrol Station for processing.

At the station, the subject provided information to Border Patrol Agents in regards to additional alien smugglers. Subject provided the name of a tractor-trailer company, Double Eagle Trucking Company and identified Salvador ORTIZ as the driver of the tractor. Subject stated ORTIZ smuggles undocumented aliens in between boxes/pallets of produce that are covered in ice because he believes it alters Border Patrol x-ray images. Subject also stated the Double Eagle Sports Club parking lot is the location of where the tractor-trailers are staged to be loaded with the undocumented aliens. Subject stated both the Double Eagle Trucking Company and the Double Eagle Sports Club are owned by the same person.

With the information provided, Agents conducted surveillance at Double Eagle Sports Club and were able to obtain photographs of the Double Eagle tractor-trailer. The information was relayed to the Falfurrias Border Patrol Station for awareness.

On July 15, 2016 BPA Eric Garza was assigned primary immigration inspection duties at the United States Border Patrol Checkpoint located on Highway 281 near Falfurrias, Texas. At approximately 12:05 a.m., a red Freightliner tractor hauling a white trailer approached the primary inspection lane for an immigration inspection of its occupants. When the vehicle came to a stop, BPA Garza questioned the driver, later identified as Salvador ORTIZ Jr., if she was a United States Citizen and ORTIZ stated, "Yes." BPA Garza then asked ORTIZ if the trailer was empty or loaded and ORTIZ stated it is loaded with blinds. At that time, an alert was made from an internal database on the computer terminal which stated the vehicle is suspected to be involved in alien smuggling. BPA Garza then continued his questioning and asked ORTIZ where he loaded the trailer and ORTIZ stated he loaded in Pharr, Texas, earlier today. BPA Garza then asked ORTIZ if there was a seal on the trailer and ORTIZ stated yes there is a seal on there. BPA Garza asked ORTIZ if he was present while the trailer was being loaded and ORTIZ stated he was at the warehouse but did not physically see what was being loaded. At that time, BPA Garza asked ORTIZ for consent to x-ray the tractor-trailer utilizing a ZBF Backscatter and ORTIZ granted consent. BPA Garza then referred the tractor-trailer to the secondary, backscatter area and instructed ORTIZ to step out of the vehicle and sit on the designated bench while he performed a scan of the tractor-trailer. During the scan, BPA Garza noticed anomalies within the load which appeared to be the

silhouette of a person. At that point, BPA Garza stopped scanning. BPA Garza then removed the seal from the trailer and BPA Garza climbed inside the trailer and noticed several subjects concealed within the load. A total of 11 subjects were found and all subjects were determined to be illegally present in the United States. All subject were then escorted inside the Falfurrias Border Patrol Checkpoint for processing and ORTIZ will be charged with 8 USC 1324, Alien Smuggling.

NOTE:

When found, all 11 subjects were wearing thick jackets and sweaters. The refrigerated trailer thermostat was set at a temperature of 52 degrees. The commodity was window blinds and therefore there was no need to have the refer running in the trailer as window blinds do not need to be refrigerated.

MIRANDA RIGHTS WARNING:

On July 15, 2016 ORTIZ was read his Miranda Warning Rights as per service form I-214 in his preferred language of English. ORTIZ signed the Miranda Warning Rights form indicating he understood his rights but declined to make a statement and answer questions without a lawyer present.

MATERIAL WITNESS MIRANDA WARNING RIGHTS:

On July 15, 2016, Ulises Ramon HERNANDEZ-Colin, Blanca Faviola LOPEZ-Dominguez and Antonio GARCIA-Gomez were read their Miranda Warning Rights as per service form I-214 in their preferred language of Spanish. All subjects signed the Miranda Warning Rights form indicating they understood their rights and are willing to make a statement and answer questions without a lawyer present.

MATERIAL WITNESS STATEMENT:

Ulises Ramon HERNANDEZ-Colin, Blanca Faviola LOPEZ-Dominguez and Antonio GARCIA-Gomez all stated they illegally crossed the Rio Grande River at different times and places. All three subjects stated they were taken to separate stash houses until being taken to a house/ranch and placed inside a tractor-trailer by an unknown man. All three subjects stated the unknown man closed the doors to the trailer and they rode inside for approximately an hour to an hour and a half before being apprehended by Border Patrol. All three subjects stated they never saw or spoke to the driver of the tractor-trailer and cannot identify the driver in a photo lineup.

NOTE:

All remaining undocumented aliens also provided similar statements and are unable to identify the driver of the tractor-trailer in a photo lineup.

DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Mark Patterson who accepted Salvador ORTIZ for prosecution of 8 USC 1324, Alien Smuggling. Ulises Ramon HERNANDEZ-Colin, Blanca Faviola LOPEZ-Dominguez and Antonio GARCIA-Gomez will be held as Material Witnesses.



Julio R. Zuniga
Border Patrol Agent

Submitted by reliable electronic means,
sworn to, signature attested telephonically
per Fed.R.Crim.P.4.1, and probable cause found:



Jason B. Libby
United States Magistrate Judge